

MEMORANDUM TO: Mayor and City Council

VIA: David B. Humpton, City Manager

FROM: Greg Ossont, Director
Planning and Code Administration

DATE: November 15, 2006

SUBJECT: Proposed Text Amendment – Section 24-143

Currently, staff is proceeding with the preliminary steps for development of the indoor aquatic facility at the GE Tech Park site. The current zoning of the parcel is I-3, Industrial and Office Park. Upon review of the I-3 zone requirements, it was noted that public buildings are subject to certain requirements that would prohibit the development of the property for the aquatic center.

You may recall that Section 24-143 was the subject text amendment in 2000 and focused on the ancillary uses associated with distribution center type uses. In order to facilitate the development of the aquatic center, staff would draft a text amendment modifying the requirements for public buildings in the I-3 zone. A copy of the current section is attached for your review.

Additionally, staff is suggesting that a “housekeeping” matter be combined with the proposed text amendment to provide language in the site plan submission requirements section to include an “affordable housing plan.”

Staff will be seeking guidance from the Mayor and City Council during the regular meeting on November 20, 2006. If you have any questions, please contact me directly at gossont@gaithersburgmd.gov

Attachment

Distribution:
F. Felton
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DIVISION 15. I-3 ZONE, INDUSTRIAL AND OFFICE PARK

Sec. 24-142. Purpose of zone.

The purpose of the I-3 Zone is to provide for parklike development of industries or offices that are relatively nuisance-free. Uses permitted in this zone are provided a healthful operating environment secure from the encroachment of commercial or residential uses, and protected from adverse effects of incompatible industries. The regulations in this zone will reduce the impact of employment centers on surrounding uses by lessening traffic congestion, protecting the health and safety of workers and residents nearby, and by preventing detrimental effects on properties adjoining or in the neighborhood.

(Ord. No. O-2-65, Art. 3, § 1)

Sec. 24-143. Uses permitted by right.

The following uses are permitted by right in the I-3 Zone:

- (1) All uses permitted by right in the E-1 Zone.
- (2) Public buildings and uses subject to the following requirements:
 - (a) The minimum lot or parcel area shall be at least twenty (20) acres in size.
 - (b) No on-site parking or storage of trucks, either within a building or on the exterior, or motor vehicles other than automobiles for employees and customers of the facility are allowed.
 - (c) All parking areas shall be set back at least fifty (50) feet from any common property line or public right-of-way and shall be screened by fencing or planting at least four (4) feet in height.
 - (d) No distribution uses are allowed. For the purpose of this section "distribution uses" is defined as the primary use of the property for the collection and transfer or dispensing of personal property or equipment to public or private recipients.
- (3) Public buildings and uses.
- (4) Office buildings for professional and general business offices.
- (5) Restaurants (Class A when located within the same building which is substantially devoted to a recreational use and Class C).
- (6) Adult-oriented businesses subject to the following requirements:
 - (a) Goods, merchandise, materials sold, rented or bartered or live performances must not be visible from outside the establishment.
 - (b) Access must be prohibited to any person under the age of 21 years.
 - (c) The business must be located on property where the boundary of the property is at least 1,000 feet away from any property (i) located in a residential zone or (ii) on which a church or religious facility, school, library, park, playground, recreational facility, daycare center or where any other adult-oriented business is located. The distance must be measured in a straight line from the front entrance of the adult-oriented business to the nearest point of a boundary line to the uses described in subsection(6)(c)(i) and (ii) hereinabove.

5. Stated the Council participated in a recent meeting regarding the Lakelands development when there was discussion about the problem with the Post Office regarding the placement of home mailboxes and mail delivery in the development. He asked staff to provide information on the ongoing discussion of this matter.
6. Stated when he recently addressed the Board of Education one of the items was the possibility that some children who live in the King Farm development in Rockville would attend Rosemont Elementary School and Gaithersburg High School. He stated staff is preparing letters to Rosemont Elementary School and the Gaithersburg Cluster to receive feedback on the matter before the City Council responds on the issue.
7. Requested staff to provide a three-minute timer for public speakers at City Council meetings similar to that used at Board of Education and County Council meetings.

FROM THE CITY MANAGER

1. Stated Council received copies of revisions to the draft Strategic Plan and added the topic will be placed on the December 6 Mayor and Council agenda for public discussion.
2. Referenced Mr. Marvin's comments earlier in the meeting pertaining to storm water management issues. He stated a storm water management financing study group was put together by the County recently and, unfortunately, municipal representatives were not invited to participate on the task force. He noted storm water management is an issue the City deals with as a municipality and the *Gazette* article missed key information regarding the City's participation with Montgomery Village to provide storm water management for ponds in the Village. He noted he would contact County representatives to make sure that storm water management matters include representation from the City in the future, and he hoped the *Gazette* would contact the City for clarification of the matter.

JOINT PUBLIC HEARING

Amendment of Chapter 24 of the City Code (City Zoning Ordinance), Article III, Division 15, Entitled, "I-3 Zone, Industrial and Office Park," Section 24-143, Entitled "Uses Permitted by Right," so as to Provide Certain Development Standards for Public Buildings and Uses

Planning and Code Administration Director Russel entered five (5) exhibits into the record. She stated the proposal was a housekeeping amendment that sought to raise the bar for development of public uses in the I-3 Zone only. She noted the changes in development requirements and used a map to point out the I-3 zoned land in the City.

In response to questions from the Mayor and Councilman Davis, Ms. Russel explained that this particular amendment focuses on ancillary uses associated with a post office facility that generates significant truck traffic and storage in the I-3 Zone, and would not preclude storefront postal operations in other zones.

There was no testimony from the public.

Motion was made by Commissioner Keller, seconded by Commissioner Sexton, that the Planning Commission record on Text Amendment T-340 be held open for fourteen (14) days.

Vote: 3-0

POLICY DISCUSSION AND STAFF GUIDANCE ITEMS**T-340 – Amendment of Certain Sections of Chapter 24 to Provide Development Standards for Public Buildings and Uses**

Planning and Code Administration Director Russel stated the above text amendment adds requirements for locating public uses in the I-3 Zone and requires all public uses to be on land that is a minimum of twenty (20) acres. Additionally, public buildings and uses would be prohibited from having on-site parking or storage of trucks or motor vehicles. She stated the Planning Commission recommended approval of T-340 at its December 1, 1999, meeting.

Councilman Alster supported the amendment and expressed the view that care must be taken with the remaining I-3 properties in the City to ensure that they are developed in a manner that is required in the proposed text amendment. Councilwoman Somerset expressed concern that the twenty-acre minimum lot size requirement might be restrictive to a use that otherwise would be suitable for the I-3 Zone. City Attorney Abrams commented that those uses would be more suitable in the commercial zones in the City. He explained that the proposed text amendment attempts to protect the I-3 Zone from distribution and high traffic uses. Planning and Code Administration Director Russel added there is also concern that a public use may not be subject to the site plan review process.

After further discussion, Council instructed staff to prepare the appropriate documents for approval of Text Amendment T-340 at the February 7 City Council meeting. In closing Mayor Katz urged staff to work with Post Office authorities, who had wanted to construct a large facility on an I-3-zoned site, to find an alternate location.

ADJOURNMENT

There being no further business to come before this session of the City Council, the meeting was duly adjourned at 8:22 p.m.

Respectfully submitted,

Toni Lieberman
Administrative Assistant